

SHIPPED: Between 5-13-63 and 5-29-63, from Kansas City, Mo., and Elk Grove and Chicago, Ill.

LIBELED: 9-24-63, Dist. Colo.

CHARGE: 402(a)(3)—the flour contained bird excreta and the marshmallows contained rodent excreta and rodent-gnawed marshmallows; and 402(a)(4)—both articles held under insanitary conditions.

DISPOSITION: 10-30-63. Consent—claimed by Associated Grocers of Colorado, Inc. Segregated; 23 bags of flour and 3 bags of marshmallows destroyed.

29212. Flour. (F.D.C. No. 49138. S. No. 7-175 V.)

INFORMATION FILED: 9-25-63, Dist. Conn., against Adolph Staskevicius, t/a Brooklyn Baking Co., Waterbury, Conn.

ALLEGED VIOLATIONS: Between 10-26-62 and 11-9-62, while a number of bags of flour were being held for sale after shipment in interstate commerce, the defendant caused such flour to be held in a building accessible to insects and to be exposed to contamination by insects by placing the flour in an insect-contaminated flour conveying system, which acts resulted in the flour being adulterated.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-7-63. \$150 fine.

29213. Flour. (F.D.C. No. 48543. S. Nos. 61-597 T, 61-599/600 T, 84-561/5 T, 84-568/74 T.)

INFORMATION FILED: 10-8-63, W. Dist. Tenn., against Caradine Co., a corporation, Memphis, Tenn., and Robert S. Caradine, president.

ALLEGED VIOLATIONS: Between 6-20-62 and 9-12-62, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused such flour to be held in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the flour being adulterated.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 10-24-63. \$1,000 fine against defendants jointly.

29214. Self-rising flour. (F.D.C. No. 48871. S. Nos. 3-217/8 V.)

INFORMATION FILED: 8-20-63, W. Dist. Va., against Abingdon Grocery Co., Inc., Abingdon, Va.

ALLEGED VIOLATIONS: Between 9-19-62 and 11-6-62, while a number of bags of flour were being held for sale after shipment in interstate commerce, the defendant caused such flour to be held in a building accessible to rodents and birds, and to be exposed to contamination by rodents and birds, which acts resulted in the flour being adulterated.

CHARGE: 402(a)(3)—a portion of the article contained rodent hairs and rodent excreta; and 402(a)(4)—all lots of the article were held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-8-63. \$600 fine.

29215. Pastry flour. (F.D.C. No. 47121. S. Nos. 12-793 R, 20-090 R, 13-501 T, 25-223 T, 25-508 V.)

INFORMATION FILED: 4-26-63, E. Dist. Mich., against Addison Flouring Mill Co., a partnership, Addison, Mich.

SHIPPED: Between 12-1-60 and 11-15-62, from Michigan to Ohio and Illinois.

LABEL IN PART: (Bag) "25 Lbs. Bleached * * * Bartley's Pastry Flour * * * Distributed by The Bartley Co. * * * Toledo, Ohio; 100 Lbs. * * * Peacemaker Flour * * * Addison Flouring Mill Co., Addison, Michigan."

CHARGE: 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-5-63. \$500 fine.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

29216. Wheat. (Inj. No. 403.)

COMPLAINT FOR INJUNCTION FILED: 5-12-61, Dist. S. Dak., against Emil Perman Elevator, a partnership, Greenway, S. Dak., and Edward Odenbach, manager.

CHARGE: The complaint for injunction alleged that the defendants were engaged in the operation, at Greenway, S. Dak., of a grain storage facility consisting of two elevators, each of a wooden crib construction and a steel quonset storage building, for the storage and distribution of wheat for human consumption, and were shipping in interstate commerce wheat which was adulterated within the meaning of 402(a)(3) and 402(a)(4) in that the wheat consisted in part of a filthy substance by reason of the presence of rodent excreta and rodent urine in it, and was being held at the defendants' grain storage facility at Greenway, S. Dak., under insanitary conditions whereby it might have become contaminated with filth.

The complaint alleged further that the insanitary conditions of the defendants' grain storage facility at Greenway, S. Dak., resulted from and consisted of the presence in the elevator designated as No. 2 House of the following: bird feathers and approximately 50 rodent pellets in the southwest corner of the headhouse; bird excreta under the north window of the headhouse and less than 6 inches from a spout leading into a storage bin; approximately 200 rodent pellets along the walls of the southeast corner of the headhouse; approximately 150 rodent pellets on the floor at bin-top level and at the edge of an opening leading directly into bin No. 2; residues of spilled grain beneath the elevator which all appeared to have been leveled by animal traffic; trails caused by rodent activity on the surface of the wheat in every bin; hundreds of rodent pellets on the surface of the wheat in every bin; approximately 100 mouse pellets scattered over the entire floor at bin-top level; and the presence in samples of surface wheat from the bins of rodent urine and of rodent pellets ranging in number from 33 to 370 pellets.

The complaint alleged further that the defendants were well aware that their activities were in violation of the Act; that inspections of the defendants' grain storage facility at Greenway, S. Dak., were made on 2-19-59, 5-7-59,

*See also No. 29236.